

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 10-04511 WHA

ROY D. NEWPORT, *et al.*,

Plaintiffs/Counter-Defendants,

ORDER TO SHOW CAUSE

v.

BURGER KING CORPORATION,

Defendant/Counter-Claimant,

v.

ANTELOPE VALLEY RESTAURANTS, INC, *et al.*

Counter-Defendants.

/

Defendant Burger King Corporation gave notice of voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) of counter-defendants Francisco Foods, Inc., Geoffrey A. Jones, Beatrice E. Kubu, Catherine A. Kubu, Stanley Kubu/Estate of Stanley Kubu, Susan Kubu-Jones, and Carol K. McManus (Dkt. No. 382). Rule 41(a)(1)(A)(i) states, “the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” BKC is hereby **ORDERED TO SHOW CAUSE BY NOON ON DECEMBER 7, 2011**, why dismissal pursuant to Rule

1 41(a)(1)(A)(i) is appropriate given that the above-named counter-defendants have already filed an
2 answer.

3

4 **IT IS SO ORDERED.**

5

6 Dated: December 5, 2011.

7

Wm. Alsup

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28